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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,143	11/07/2001	Masanori Gunji	P 284091 T4HW-01S1389-1	4645
909	7590	04/20/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			TOPGYAL, GELEK W	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7, drawn to a recording and reproducing device including the feature of “a chapter that can be easily created while checking the start and end of the chapter on one screen, and a thumb nail is created, thus making it possible to easily identify the number of created chapters or the contents at the start of the chapter”, classified in class 386, subclass 95.
 - II. Claims 8-12, drawn to a recording and reproducing device including the feature of “thumb nails of programs are created, and the thumb nails are displayed and arranged on the screen, thereby making it possible to easily create a play list”, classified in class 386, subclass 68.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions as disclosed above in Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination that teaches the feature of “a chapter that can be easily created while checking the start and end of the chapter on one screen, and a thumb nail is created, thus making it possible to easily identify the number of created chapters or the contents at the start of the chapter” as recited in claims 1-7 of Group I, has separate utility such as the feature of “thumb nails of programs are created, and the thumb nails

are displayed and arranged on the screen, thereby making it possible to easily create a play list”, as recited in claims 8-12 of Group II. See MPEP § 806.05(d).

3. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

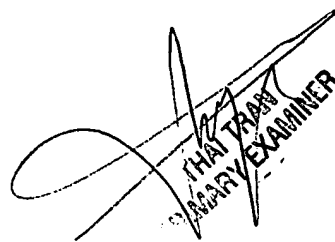
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gelek Topgyal
4/14/2006


THAI TRAN
EXAMINER